

**Village of Buchanan
Mayor & Board of Trustees
Village Board Meeting
May 1, 2012**

PRESENT:

Mayor Sean Murray

Trustees Theresa Knickerbocker, Richard Funchion, and Nicholas Zachary

Village Administrator Kevin Hay

Village Board Secretary Susan F. Matthews

ABSENT:

Village Attorney Stephanie Porteus (due to a death in the family)

1. **PLEDGE OF ALLEGIANCE:**

Mayor Murray opened the meeting at 7:30 PM, welcomed everyone, informed them of the fire regulations and led the Pledge of Allegiance.

2. **APPOINTMENT OF NEW TRUSTEE:**

Mayor Murray appointed Duane Jackson.

a) **RESOLUTION AUTHORIZING THE MAYOR'S APPOINTMENT OF VILLAGE TRUSTEE.**

Mayor Murray read the Resolution (copy attached). This is a mayoral appointment which does not require a vote.

Mayor Murray administered the oath of office to Duane Jackson.

Trustee Jackson said that it was an honor and privilege to serve the Village that he has lived in for the last 18 years, to follow in the foot steps of his neighbor Jane Hitney who was very encouraging, and for all the community spirit and spirit of democracy we have in the Village. He noted that today being May 1st; it took him back to May 1st two years ago, 2010, in Times Square where the terrorist attempt was made. He commented that had the attempt gone forward, he would not have had the opportunity to work with his Village citizens. He said it was an honor for him to fulfill Jane Hitney's term. He appreciates that.

Mayor Murray welcomed him to the Village Board. The Mayor commented that it is difficult to find people willing to do public service. Trustee Jackson has a lot of good ideas and new ideas.

He will be able to help out the Village in the future. The Mayor thanked him for coming to serve in a Village where he has lived for 18 years and being willing to contribute his time.

3. **APPROVE MINUTES**: February 2012 Workshop; March 5, 2012 Regular Board Meeting; April 2, 2012 Organizational Meeting.

February 2012 Workshop: Trustee Funchion had a typographical correction on page 5, paragraph 1: add “r” to “mayor”. A MOTION to adopt these minutes as amended was made by Trustee Zachary, seconded by Trustee Funchion with all in favor and Trustee Jackson abstaining and Trustee Knickerbocker absent.

March 5, 2012 Regular Board Meeting: Trustee Funchion had a correction on page 5, paragraph 9, line 5: add “in” after the word “cover”. A MOTION to adopt these minutes as amended was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Jackson abstaining and Trustee Knickerbocker absent.

April 2, 2012 Organizational Meeting: A MOTION to adopt these minutes as read was made by Trustee Zachary, seconded by Trustee Funchion with all in favor and Trustee Jackson abstaining and Trustee Knickerbocker absent..

Mayor Murray announced that Trustee Knickerbocker would be arriving a little late.

4. **COMMENTS FROM THE FLOOR**: (agenda items only)

Angelo Iacomini, Donahue Court, had some questions on the budget. He noted that he was not present at the last Board meeting.

Ref: the Village Justice, he wanted to know the reason for the increase and for the increase in Other Expenses. Village Administrator Hay advised that the numbers on the budget Mr. Iacomini was looking at had been changed. The Other Expenses reflects the changes in the way we pay New York State. Previously, we would send what the court had taken in and the State would send back the Village’s portion. Now we take in the money and the State sends us an amount due to them. The money the court takes in is reflected as a Revenue line in the budget. We take it out of the Other Expenses line when we send it to the State.

Mr. Iacomini wanted to know the reason for the increase in the Clerk/Treasurer. Village Administrator Hay advised that in the past, we had not budgeted for the overtime for the Village office staff. This year we are doing it according to the proper accounting way. The Part-Time line reflects our potentially hiring a part-time employee for the office. The Mayor advised that we have had an open position in the office for so long that in order to take up that work load, we have had to pay people overtime. We never budgeted for that before even though we had budgeted for the position. Because we have a retirement coming up in the future, we wanted to budget for the part-time position to be able to transition, to be able to learn the position and

hopefully be able to transition with the Civil Service requirements for that job. So we thought it more prudent to show exactly what our costs are.

Ref: Engineer 1440.461. Mr. Iacomini wanted to know the reason for the increase. Mayor Murray advised that over the past 5 or 6 years, we have never met that \$55,000 budget. Last year it was discussed and determined that a more realistic estimate was \$70,000. We did come within that number. Although the expended amount last year was \$118,000, that was how much we paid the engineer but it was supplemented by the fees received from the commercial applicants. As of last month, we paid out approximately \$65,000. So we felt we were going to meet the same budgetary requirements. Mr. Iacomini wanted to know if there should not have been a resolution to raise that base. The Mayor advised that the resolution was with the approval of the budget. There was a Budget Hearing. It was discussed at the Workshop.

Mr. Iacomini commented that his reason for asking is that last year, he knows that an increase was given to the Assistant Recreation person. The Mayor advised that we do not have an Assistant Recreation person. We have a Recreation Supervisor. Mr. Iacomini commented that he knows she was given an increase but that it was stated. The Mayor advised that was a salary. This is a contract.

Mr. Iacomini noted that the Zoning Board has a Salary line of \$60,200. He feels that it should not be that. When you look at the regular salaries, he believes it should reflect the salaries paid to the Planning Board. Trustee Zachary advised that figure includes the Building Inspector. Village Administrator Hay advised that the Fire Inspector, Building Inspector and Zoning Board members come out of that line. Mr. Iacomini noted that the Building Inspector's salary is about \$35,000. He felt that was misleading and that it should go under Other Expenses.

Ref: Zoning Board 8010.60, Mr. Iacomini wanted to know the reason for the increases in Other Expenses and for Other Expenses for the Planning Board. The Mayor advised that this is for conferences to meet their training for the year.

Ref: Salaries, Pages 16-17: Mr. Iacomini wanted to know why there was a difference in Zoning Board versus Planning Board salaries. He believes they should be the same. Mayor Murray advised that the salaries have not been increased or decreased in many, many years. If that was what was budgeted last year then that is what it is this year. Mr. Iacomini commented on the Building Inspector being included in that number. There are also Telephone expenses of \$500 on the Zoning Board line that are not on the Planning Board. He thought that since they were matching boards, even though they have different expertises, they would also have telephone expenses. He was sure that the Building Inspector must be making phone calls for that board as well. Village Administrator Hay advised that the Building Inspector's salary is in here and that is where salaries come out of. They broke the telephone out proportionately. Mr. Iacomini commented that at one time he was told that one part of it was the Building Inspector's salary and another time that it was the Village Engineer's. The Mayor advised that according to our

audits and the recommendations of the auditors, we do move where we take money out of where they feel is more appropriate. One line's appropriation one year may not be the same as another according to the way we have been billing it. We take the advice of the auditors as to what is the most accurate way of doing it. That is why things might change from year to year.

Mr. Iacomini commented on the \$10,000 referred to in an article in the Croton Gazette. Part of it deals with the budget and part of it deals with the savings from eliminating the prosecutor. He commented that it also states that \$10,000 is being given to the Buchanan Fire Company for the Explorer program. He feels that the Buchanan Fire Department is well in the black and is making substantial money. He wanted to know why we are funding this program. Mayor Murray advised that they are not making money. They are a non-profit organization. Their budget has not changed in the last three years. Their budget lines are the same as they were for the last couple of years. They wanted a \$10,000 increase to have an Explorer program because the number of members has been decreasing. They want to target 14-16 year olds because at age 16, they can become active members. Many other fire departments in the area have this type of program and have been increasing their membership. By increasing the membership, it will help our fire department keep more members in the company. Mr. Iacomini wanted to know if in those other areas the program is funded by the town or the fire company. The Mayor advised that the fire companies in this area are funded in different ways. Some are direct taxing districts and some are through contract like Buchanan. Montrose and many fire departments directly tax the residents. We do not. It comes out of our budget as a contract. He does not know how the other fire departments fund their programs. Buchanan Engine Company was here during the Public Hearing for the budget and the Workshop meeting at the request of the Board to answer questions from the public. To the best of his knowledge, they explained the program to the satisfaction of the people who were there and the elected officials. Mr. Iacomini commented that he went onto the web and they showed an income amount of \$354,066 in 2009 and \$365,589 in 2010; an increase in those two years of \$11,523. Their assets from 2009 to 2010 increased \$16,418. They reported \$258,000 in revenue. Mayor Murray advised that is their contact. Mr. Iacomini wanted to know if the Village will be funding this every year the way we fund the equipment with \$25,000. The Mayor advised that if it is a budget request, the Village Board will review it as they do with all budget requests from every department. This is more or less a start up cost to get the equipment. They are targeting ten to fifteen people who are willing to participate at this time. It is how much money other departments used to start up their programs. What the request for next year will be is contingent on how many people they are going to bring in. The money Mr. Iacomini was citing was basically the contract amount. He noted that the contract provides that if the Buchanan Engine Company were to fold up, the Village would be in possession of all the equipment. Most of the equipment Mr. Iacomini discussed are the fire engines. They are the most expensive and is why we have the Vehicle Replacement Fund. They would revert to the Village if the Buchanan Engine Company were to fold. The Mayor felt that given that, saying that the fire company has a million dollars in assets is misrepresenting it.

Mr. Iacomini commented that they have the fire house and the building next to it. Mayor Murray advised that the building next door was purchased by the company many years ago because they were afraid they would not be able to use that building any more. It is donated to the fire company. It was not purchased by the Village. It is not a tax exempt property. It is a business that pays taxes.

Mr. Iacomini commented that he knows the Village gives them \$200,000-plus in the fire contract. When you see that their income is \$350,000 more than the previous year, he feels that is a lot of money. He feels that if \$10,000 can come out of that bank account. He commented that right now, we are in dire straits in this community. We need to make sure the tax dollars are well spent. He commented that he is not saying that funding that program is not the way to go. He is asking if we really need to do this or does the fire company have the assets to pay for it. The Mayor said he does not believe they have \$340,000 in the bank.

Trustee Jackson commented that he is glad to see that this Explorer program is on the books. He is involved with the FBI's Explorer program in New York City. He noted that the NYPD also does them. It is a partnership between government and private donations. It is not questioning the merit of the program. He commented that the merits of the program are what we need to look at in terms of the Village to put forth young people to be aware of volunteerism, the importance of the volunteer fire services and to do it at an early age. He thinks that even if the request for money comes in next year which, as the Mayor noted may or not happen, it is a worthwhile investment.

Mr. Iacomini commented that he totally agreed. It was just a question of the numbers. Mayor Murray advised that it was a part of a grant received by the Trustees of the fire company. They filed for a grant five or six years ago which finally came in that helped pay for a loan they had to take out for the 2003 utility truck. That money would be shown as income but it went toward a loan repayment. Even if it shows as income, it has to be expended in a certain way. It is not money in the bank.

Trustee Funchion commented on the \$10,000. When we had the Workshop meeting, the representative of the fire company explained that the overwhelming majority of that money is spent on equipment for this program. Even if the individuals do not stay with the Fire Department, we still retain the equipment. It is not money that is going off into the air.

Referring to Mr. Iacomini's comments on going through the budget in detail, Trustee Funchion commented that he understands. He is not an accountant but they have their way of doing things. Using the Telephone expenses as an example, he said that it is not always what we think of as a telephone. Sometimes it is for an alarm system that is run through a telephone line. He commented that it can sometimes be very confusing as to what it is actually for. We would all like to see something itemizing every particular cost but the size of the document would be as big as a New York City phone book. Mr. Iacomini commented that if anybody else was to look

at that, why the Zoning Board salaries say \$60,000, it is not clear that part of that is the Building Inspector.

Mayor Murray advised that one change you will see in next year's budget is that some of the salaries are changing. We are going to try to determine ways to designate our manpower through different departments. For example, if a Highway Department person was working at the pool for so many hours, we can determine how much each one of our assets cost. Right now, it is just a Highway Department line. Next year, if you see the baseball field, for example, costing more money, it is because we are trying to get a better determination of how much each thing costs.

Trustee Zachary commented that we did not take funding the Explorer program lightly. The Board is counting pennies and going through the budget line by line. The questions Mr. Iacomini asked were the same that Trustee Zachary recalled asking the first time he saw a budget. He commented that we have to remember the important service the Fire Department provides to us. There are other programs in neighboring departments. We need to help the Fire Department keep up the interest in community volunteerism. The Board did question it, gave it thought and looked for alternatives.

Trustee Knickerbocker arrived at this point. She was delayed due to unforeseen circumstances.

At this point, Trustee Jackson had to leave.

Eileen Absenger, 138 Tate Avenue, commented on Mr. Iacomini's questions. She advised that the Town of Cortlandt pays their Planning Board more than their Zoning Board, which may account for the difference. Concerning the Explorer program, she noted that she had asked a lot of questions about the \$10,000. She was not opposed to it but said that she was playing devil's advocate. It is appropriated in the budget but they are coming back because they are in the process of finding out about the insurance and different aspects of the program. If it does not work, the Board does not have to give them the \$10,000. It is an appropriation of the budget, not a check that has been signed and delivered already. She asked that they come back during a televised meeting so the public can get a better handle on that.

Mr. Iacomini commented that he was concerned with the dollars. He understands the process. It is good to know that the Town gets paid differently. Concerning the budget appropriation of \$10,000, he is glad that the Board will review it next year. He commented that we keep giving them \$25,000 to put into the bank to get whatever equipment they need. If it is going to be evaluated every year, just like with the prosecutor where it was put into play but did not work out, that is fine.

Mary Ingenito, Westchester Avenue, felt it is a great program for the children. It keeps them out of trouble and off of drugs. She does not see why anyone would be against it. She feels that it is great and that the Board is doing the right thing. Mayor Murray commented that it is cheaper to prevent something rather than prosecute something.

5. OLD BUSINESS:

a) **PUBLIC HEARING: LOCAL LAW AMENDING CHAPTER 78 ENTITLED “ELECTRICAL INSPECTIONS” OF THE CODE OF THE VILLAGE OF BUCHANAN** (held open)

A MOTION to reopen this Public Hearing was made by Trustee Zachary, seconded by Trustee Knickerbocker with all in favor and Trustee Jackson absent.

The Mayor advised that this is a continuation of a Public Hearing from last month. This concerns changing the law requiring a license to do electrical contracting within the Village. We do not have that law. The Public Hearing was held over because we had a question about whether someone would need a license every time they did electrical work at their house. We now have that clarification.

The Mayor read the proposed law.

Trustee Funchion is still opposed to this. He finds it unnecessary. In doing research, he finds that Westchester County licenses all plumbers and electricians. He is not sure what we are trying to do here. If someone must already be licensed by the County, to require them to get a permit to have something done in their home because a licensed electrician is doing it seems to him to only add bureaucracy. He is sure that a licensed electrician or plumber will add to the cost of the job to the home owner. He commented that unless they are out in left field, no home owner is going to get an electrician or plumber who is not licensed because if something happens, you are not covered by your insurance. He does not see the need for this other than to add to the bureaucracy, time and difficulty of doing home repairs. He can understand it if you are going to build an extension or a new house, for example, or something new like that. It seems like it is unnecessary bureaucracy if all you are doing is replacing or repairing present electrical wiring.

Mayor Murray commented that this law is only for contractors. If somebody is doing modifications to their house, they have to get a building permit. We have no way of knowing if the person doing the electrical contracting is licensed. He believes that we do require a plumbing permit. Village Administrator Hay advised that Westchester County licenses plumbers. We do not.

Mayor Murray proposed holding this matter over until the Village Attorney could be present. She is not with us this evening because of a death in her family.

Trustee Zachary commented that he somewhat agrees with Trustee Funchion. He believes that the ultimate purpose is to make sure that the work is done in a proper fashion. At the same time, if there is an emergency repair, there is no time to come in to get a permit. If for example, the light switch is sparking, you cannot wait to come to the Village Hall to get a permit. You get someone to fix it right away. A homeowner who is comfortable with doing it is going to change

a light switch or put up a fan. He does not believe that a home owner is going to wire a new addition to their house but a lot of home owners are handy and it makes owning their homes affordable to do little jobs themselves. He feels there needs to be some clarification regarding emergency repairs and small repairs. He suggested possibly assigning a dollar value to the work, such as under \$500. He thinks that it could be required for new construction or an addition to a house. We do not want to encourage people to do things that are risky but we cannot take everything out of the hands of the homeowner.

Mayor Murray advised that this is only for contractors. He feels that by saying that, we are safeguarding the home owner. Anybody who hires an electrical contractor within the Village would have to file for a permit. It is to verify that they are licensed and bonded. There are many times when people do not check to see if they are licensed and insured. He sees it as more of a safeguard for the residents and not an impediment and that is why the law says “contractor” and does not say home owner or resident. The Mayor commented that even though he does not recommend a home owner doing it, this law does not prohibit that.

Trustee Knickerbocker feels that this provides a process for verification that the contractor’s liability insurance is in full force and effect. If somebody comes to your house, you know that they are an electrician but you do not know if their liability insurance is current. If they do something wrong, you are going to go to their liability insurance. This is just verification so that when the permit is pulled, the Building Inspector looks at it and confirms that their liability insurance is current. It is really a way of protecting the homeowner. Most people do not ask contractors that question. We just assume that it is current. So this is just further protection for our residents.

Mayor Murray noted that we did not set a permit fee. Last month, the Board did discuss that a fee would be attached when this law became active. We can set any fee the Board wants. If we feel it would become cost prohibitive to the job, we can make it minimal. The Mayor feels that the main thing is to verify the qualifications and insurances of the people doing work for our residents. It is a safeguard. It is not meant to be an impediment.

Trustee Funchion commented that the County is supposed to be licensing contractors and they are supposed to do the enforcement of that. He wanted to know how much do we chase people to determine if they have a license and insurance. We do not stop people in a car to ask if they have a license and insurance if they pull into your driveway to make a u-turn. He wanted to know what happens if you replace an appliance like a dishwasher or an electric dryer. He is not sure whether the people coming from Sears, for example, have licenses to do that work. He wanted to know what we are replacing in the current Code. A copy was not present at this meeting. Trustee Funchion referred to Trustee Zachary’s comments on repairs. Trustee Funchion wanted to know if this law would apply if your light switch does not work and you are not handy, and you call up the electrician to do this. It would be a small job for the electrician but you would need to get a permit to do that. But, if you ask your next door neighbor, who is

handy around the house, to do it for you, you do not need a permit. Trustee Funchion feels that is counter to protecting the home owner. He would rather have a guy who he knows is a licensed electrician that has been doing his electrical work than getting someone else because he did not have time to go get a permit. Trustee Funchion thinks that a lot of work still has to be done on this.

Mayor Murray proposed that if the Board had no objections, the Public Hearing will be held open until the next month. The Village Attorney can then provide an interpretation of the current Village Code.

Mayor Murray commented that when you have people do work, we ask them to fill out building permits and permits for CO's. Even though people are supposed to be reputable and licensed contractors, we do have other safeguards in place to make sure that our Village requirements are followed. It is part of the safeguarding of our residents.

A MOTION to hold open this Public Hearing till the next meeting was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

b) RESOLUTION AUTHORIZING LOCAL LAW AMENDING CHAPTER 78 ENTITLED "ELECTRICAL INSPECTIONS" OF THE CODE OF THE VILLAGE OF BUCHANAN.

No action was taken on this Resolution. It will be held over until the next Village Board meeting.

6. NEW BUSINESS:

a) 12-17 RESOLUTION ADOPTING THE 2012-2013 VILLAGE BUDGET.

Mayor Murray read the Resolution (copy attached).

The Mayor directed the Village Administrator to give the increase per thousand and the average assessed rate. The average assessment is \$4,500. For the average household, the tax increase will be \$27.00. We worked to keep it under the State mandated 2% tax cap levy. We stayed under by \$495. Our old tax rate was \$218.94 per thousand. The new rate will be \$224.95 per thousand. That is an increase in rate of 2.75.

Trustee Zachary commented that it may sound like 2.75% is exceeding the 2% tax cap. It is not. 1.25% is increases in pension costs which are exempted from the tax cap. We could have gone up to 3.25% and still stayed within the legal limits of the tax cap. We are actually under the tax cap even though the number is 2.75%.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Jackson absent.

b) 12-18 RESOLUTION AUTHORIZING THE EMPLOYMENT OF RECREATION PERSONNEL

Mayor Murray read the Resolution (copy attached).

Mayor Murray commented that last year, we opened the pool in the second half of June. May was a very hot month, as was the first part of June. There were a couple of weeks when we wished we had the pool available. Since we have had a mild winter and some very hot days already this year, the Recreation Supervisor thought it would be better if we opened the pool early in case we run into some of the same issues as last year. She has stayed within her budget and changed around some of the personnel so with this increase in the number of pool days, we will not be expending that much more money. The Mayor commented that the salaries are very low with some people being paid \$7.00 per hour. Trustee Funchion thinks that our salary structure is excellent. In most of Westchester County, the lifeguards are a lot more expensive. The Mayor commented that they are good employees and good people. Many are Village residents. He wishes we could give them more, but we have to stay within our budget. He appreciates that they are willing to work for the Village at these rates.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor and Trustee Jackson absent.

c) 12-19 RESOLUTION AUTHORIZING AN INTERMUNICIPAL AGREEMENT WITH THE TOWN OF CORTLANDT.

Mayor Murray read the Resolution (copy attached).

Mayor Murray advised that we have had these IMAs for many years. At times, we have borrowed trucks from the Town of Cortlandt. If we have any issues with our garbage trucks, we can borrow a garbage truck at no cost. We do not dispose of our Freon containing materials. Even though you have to purchase a sticker, they dispose of it for us. We have used some of the bidding of certain supplies from the Town. They have always included us as well as the Village of Croton. It helps us out.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Jackson absent.

d) 12-20 RESOLUTION APPOINTING A POLICE OFFICER.

Mayor Murray read the Resolution (copy attached).

Mayor Murray reported that the Village Board had met with the recommended candidate. Thomas Cobelli is currently employed as a police officer in the Town of North Castle. He has six years of experience. He has been an EMT and is CPR qualified. The Board had discussed with him in the interview what we like our police officers to do and their being first responders.

Mr. Cobelli likes this area. His current patrol area in North Castle is similar to the Village of Buchanan and he is familiar with the type of community policing we like to have. The Board thinks he will be a great addition and the Police Chief feels the same way.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor and Trustee Jackson absent.

e) 12-21 RESOLUTION AUTHORIZING UNPAID WATER CHARGES TO BE INCLUDED IN THE VILLAGE TAX BILLS.

Mayor Murray read the Resolution (copy attached).

Mayor Murray advised that these water bills are not for the last water billing cycle. As everyone knows, we recently billed and received for the last six months. These bills are overdue from last year. We give the residents one year and if they do not pay the bills, we attach them to their taxes. This is for last year's water bill.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Jackson absent.

f) 12-22 RESOLUTION AUTHORIZING MAYOR TO SIGN CONTRACT WITH BUCHANAN ENGINE CO. #1

Mayor Murray read the Resolution (copy attached).

Mayor Murray noted that all the lines for the budget which they submitted are the same as last year except for the requested increase for the Explorer program. Over the last eight years, there has only been one increase, of \$4,000, in the contract with the Fire Department. In 2006, they actually reduced their budget request. They have been able to stay within their budgetary constraints even though the price of fuel, insurance and other things have gone up. The Mayor believes that they have been fiscally responsible with their budget requests as well as the way they have disbursed their funds within the company. They have received grants in the past. They received a small grant to help repay some of the loan for the fire truck. They also receive outside funds both from the Village and from donations. The Mayor believes it is a fair contract and is glad we came to this agreement.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor and Trustee Jackson absent.

g) 12-23 RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW AMENDING CHAPTER 149 OF THE CODE OF THE VILLAGE OF BUCHANAN.

Mayor Murray read the Resolution (copy attached).

Trustee Funchion wanted to know if there is any penalty connected with this. Mayor Murray read the applicable sections of the Code concerning recreational facilities. He advised that we have had complaints. The Code currently says that anyone can be in the park until 11:00 PM. We have had complaints from residents living around our recreational facilities about people hanging out there after dark. Without a law on the books, we are not able to enforce anything. It has been the judgment of the Police Chief as well as the residents that if someone is hanging out in the park after 10:00 PM, there cannot be too much good going on. We will allow people to be there by permit. We rent out the softball field but that is through permit. There is also lighting there. Right now without the Village Attorney being with us, the Mayor did not know the consequences of a violation. He thinks it would be along the lines of trespassing. When the residents were calling to say that something is going on there at 10:00 PM, there was nothing we could do. This is a little more protection for the residents. We have had incidents of vandalism that occurred at night at the Highway Department garage and salt shed. The residents in those areas look out and want to make sure that not only their properties but the adjoining properties are safe. When they see something, they call. It is what we ask everyone to do; to call when you see something that is not right. We need this type of law to enforce that and to have a further deterrent. The Mayor advised that to answer Trustee Funchion's question regarding a penalty, we need the Village Attorney.

Trustee Funchion wanted to know if we are going to have to post a sign. The Mayor advised that we have already ordered signs.

Trustee Zachary noted that "sunrise" refers to an exact moment but "dusk" is vague. He believes it should be changed. If we say "sunrise", we should also use "sunset". Dusk is a vague period after sunset and is not precise. Since this is a law, it should be precise. He proposed changing it to be "one half-hour before sunrise to one half-hour after sunset", so that someone watching the sunset at Lent's Cove, for example, has time to get back to their car. The Mayor commented that we are not going to have somebody standing there at 6:24 PM to write a ticket. He proposed changing it to say "dark to light". Trustee Funchion noted that Trustee Zachary was asking for more exact terms. The Mayor said to see what the legal interpretation is and how the adjoining communities do it. He does not want to have a sign with so many words on it that it can be interpreted different ways.

Trustee Knickerbocker does not believe that the intent of this is for the sunrise/sunset time. We are talking about people loitering at 11:00 and 12:00 at night and 1:00 in the morning.

Trustee Zachary commented that on June 20th it is still light at 9 PM and on December 20th it gets dark by 5 PM. It is a floating time regulated by sunrise and sunset. The Mayor commented that the Village Attorney wrote the proposed law. He believes it is tailored after what is done in adjoining communities, so we will find out what the legal interpretation is before we change it. This is just a Resolution to set a Public Hearing to discuss these issues.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor and Trustee Jackson absent.

h) 12-24 RESOLUTION AUTHORIZING USE OF A VILLAGE FACILITY.

Mayor Murray read the Resolution (copy attached).

Trustee Knickerbocker asked about the insurance certificate. Village Administrator Hay advised that it was received today.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Jackson absent.

i) 12-25 RESOLUTION AUTHORIZING USE OF A VILLAGE FACILITY.

Mayor Murray read the Resolution (copy attached).

Mayor Murray noted that this is for the annual Town of Cortlandt Veterans' barbeque. We have always granted to non-profit organizations the use of our facilities for free. We are glad we are able to provide this service to them. Trustee Zachary commented that it is a great event. He was glad they want to use the pavilion.

The Mayor commented that last year it rained heavily and the roof leaked a lot. We have since fixed the leaks and hopefully everything has been remedied.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor and Trustee Jackson absent.

j) 12-26 RESOLUTION AUTHORIZING USE OF A VILLAGE FACILITY.

Mayor Murray read the Resolution (copy attached).

This is for the Boy Scouts of America Pack #36. Village Administrator Hay advised that they submitted an insurance certificate.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Jackson absent.

k) 12-27 RESOLUTION AUTHORIZING USE OF A VILLAGE FACILITY.

Mayor Murray read the Resolution (copy attached). This is for the B-V Elementary School.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Jackson absent.

l) 12-28 RESOLUTION AUTHORIZING THE EMPLOYMENT OF SUMMER EMPLOYEES.

Mayor Murray read the Resolution (copy attached).

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor and Trustee Zachary recusing himself and Trustee Jackson absent.

Trustee Funchion wanted to know if the \$10 per hour wage was set by the Teamsters Union. Mayor Murray advised that they are not union employees. We have had that salary for many years. He commented that these are pretty low wages for people doing that type of work. The salary is not set by the Teamsters. They do not govern temporary employees. The Mayor noted that these positions were advertised on the Buchanan Channel TV screen. Village Administrator Hay said it is a lot by word of mouth and that we get a lot of people coming back from year to year. Two were at the Highway Department and one was previously at the day camp. The Mayor advised that as has been the custom of the Village, the positions were offered to previous employees. The positions were advertised. Last year, we instituted a review process to evaluate employees. Their services were satisfactory and that is why we are hiring them again. Trustee Funchion commented that last year he brought up about having the jobs advertised. He noted that these jobs were well advertised and that everyone had an equal chance. He thanked the Village Administrator.

7. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a) JUSTICE COURT REPORT – February 2012; March 2012

Received

- b) ZONING BOARD MINUTES – December 2011

Received

- c) PLANNING BOARD MINUTES – February & March 2012

Received

- d) ATTORNEY'S REPORT

Not present due to a death in the family.

- e) TRUSTEE'S REPORTS.

Trustee Funchion reported that since the last meeting, he has been going over the budget line by line. Some lines are still very confusing. He reported that the Board went over the budget at a Workshop and nickel and dimed everything. He is very proud of what the Board has done in keeping the budget as low as possible.

Trustee Funchion reported that he has been working on the Buchanan Day Committee. He has also attended St. Patrick's Day Parade Committee meetings. He has been kept very busy. Mainly for the whole month, he has been going over the budget.

Trustee Zachary welcomed new Trustee Duane Jackson whom he noted, had left.

Mayor Murray commented that he did not communicate as well as he might have because Trustee Jackson was under the impression that he could not yet function as a Board member because he had not yet signed the book. Trustee Jackson had a conflict and had to leave. The Mayor did not tell him that he could not stay. Trustee Zachary was happy that Trustee Jackson was on the Board because he is very community oriented, smart, and willing to serve.

Trustee Zachary reported on the Buchanan Day Committee. The next meeting is Thursday, May 17. They have a few new members. If anyone else is interested, the meetings are at 7:00 PM on the third Thursday of every month at the Highway Department building.

Trustee Zachary reported that the Village Code is now on our web site. Village Administrator Hay has been working with a group for 6 months to a year to get this done. If you go to the Village web site, you can now access the complete Village Code. So whenever questions come up, it is all there.

Trustee Knickerbocker apologized to the Board and everyone for arriving late because of an unavoidable situation that came up.

f) MAYOR'S REPORT.

Mayor Murray reported that the Ladies of the Mt. Carmel Society are having a salute to the military to celebrate the commitment the military has made. It will be on May 19, Armed Forces Day, from 1-5 PM at the Lady of Mt. Carmel Hall, 8th Street and Highland Avenue, Verplanck. Anyone on active duty and all veterans should come down. State Senator Greg Ball will be hosting a Mother's Day Brunch in honor of the New York State Gold Star Mothers on May 12 at 11 AM at the Muriel Morabito Center, Westbrook Drive, Cortlandt Manor. The Gold Star Mothers is a very important organization. It is for the mothers of people who have died while serving in the military. The Mayor commented that it is great that Senator Ball is able to do these types of things.

Mayor Murray reported that on May 28 at 11 AM the Tri-Village Memorial Day Parade will be in the Village of Buchanan. It will follow the same route as the St. Patrick's Day parade. Anyone can go back to the Buchanan fire house afterwards for hot dogs and refreshments. Every year, the parade is held in a different Tri-Village community – in Montrose one year, one year in Verplanck, and this year in Buchanan. He encouraged everybody to come out. It is always well attended.

Mayor Murray reported that all of our FEMA paperwork has been submitted, approved and signed for. Village Administrator Hay reported that we have not received the money. The Mayor advised that we will be receiving approximately \$25,000 for last year's storm. It is not going toward this year's budget. It is going towards last year's budget because that is where we had to pay out the money from. The Mayor thanked Village Administrator Hay for all his efforts in completing the paperwork. We looked at everything that the storm caused or necessitated and it all went into the calculations.

Mayor Murray reported that over the last couple of months, there have been discussions about the traffic signal on Westchester Avenue. One recommendation from the Police Chief was to remove the traffic light from Fourth Street and Westchester Avenue. Right now it is a flashing light. In response to the Board's inquiry about that light, the Police Chief felt that it serves little purpose. The traffic control box no longer functions to allow it to work as a traffic light. It could be removed and a Stop Sign installed.

Mayor Murray proposed having a Motion to set a Public Hearing for the next Board meeting to install a Stop Sign on Fourth Street leading to Westchester Avenue and remove the light currently there. We do not want to have to pay to replace the lights. If we have to replace them, it will cost around \$120.

A MOTION to prepare a Resolution for the next Village Board meeting to set a Public Hearing to install a Stop Sign on Fourth Street leading to Westchester Avenue and remove the light was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor and Trustee Jackson absent.

Mayor Murray reported that the new sewage treatment plant operator passed all his qualification tests. We now have two licensed operators. Before, we only had one. We have had to contract with Camo Pollution whenever he was not working due to sickness or vacation. We have expended \$15,000 or \$20,000 for Camo Pollution's coverage. We now have Mike Baisley as the second licensed operator. The Mayor commented that he worked very hard, went to all the required schools and is now licensed. It will save us money. We had been paying Camo Pollution \$110 or \$120 per hour. Whenever they came in, it was 4-6 hours to perform the duties. So whenever our operator was out for a week, we had to pay basically \$500 per day. The Mayor thanked Mike Baisley for going through that.

Mayor Murray wished all the mothers a Happy Mothers' Day.

8. COMMENTS FROM THE FLOOR:

Sam Cherchia, Westchester Avenue, commented that he is going to assume the incident that he is going to talk about is unknown to the members of the Village Board. He further assumes that it is the policy of the Board to maintain zero tolerance toward bigotry. He commented that the

bigotry was committed by “semi-officers” of the Village at a Public Hearing. He feels it is heinous and should be dealt with forcefully and immediately.

It was at the Planning Board meeting last month at which time an applicant before the Board who is of Italian-American descent was subjected to ethnic slurs and demeaning behavior by the Village Engineer and Village Attorney. The subject came up, by George Pommer, concerning so-called mafia blocks. Mr. Cherchia said that Mr. Pommer went into great detail about how you dispose of a body with this concrete block. Mr. Cherchia finds it extremely offensive. He is Italian-American. Both his parents emigrated from Italy. There is no need for this to be done or said by George Pommer. Mr. Cherchia commented that it was not just done in passing but was made a strong point and that Mr. Pommer thought it - *how to dispose of a body* - was important. Mr. Cherchia had two conflicting reports that the Village Attorney either participated or did not stop it. Mr. Cherchia commented that to understand how this was meant to be degrading to the applicant, some time prior to this Planning Board meeting Mr. Pommer had to go to the place of business of the applicant. He went with a member of the police force. When questioned by the applicant as to why he was there, Mr. Cherchia said the police officer said it was in case there was trouble. There had never been trouble between Mr. Pommer and this applicant. Mr. Cherchia remarked that as for the Village Attorney’s participation, this is not the first time that this tag team has done something like that. Mr. Cherchia said that they did it to him, having accused him of making a false claim with the Village. He feels this is outrageous. He believes that this Board to tolerate the behavior of these two people without an absolute apology to the Italian-American community. He thinks the services of these people should be terminated. This is not proper behavior. They were representing the Village at this meeting. Mr. Cherchia commented that to make matters worse, the applicant could not complain because the person he would complain to is the person who would decide whether or not he complied with the demands of the Planning Board. In addition, George Pommer gets to bill what he wants, to be paid by the applicant. Mr. Cherchia commented that to protect himself, the applicant sat there and took the abuse. Mr. Cherchia thinks the Village Board should act. There are other organizations that will. You cannot defame any group of people today. He finds it personally very offensive. He is proud of his background and ancestry. He expects the Board to do the right thing.

Trustee Zachary wanted to know what meeting he was referring to. Mr. Cherchia advised that it was the April Planning Board meeting. Trustee Zachary did not think the Village Board had the minutes of that meeting yet.

Angelo Iacomini, Donahue Court, commented that he knows that people think that Mr. Cherchia gets carried away. Mr. Iacomini noted that he was at that meeting. He goes to Planning Board meetings to see if there are things that may be passed over to the Zoning Board. He found it very surprising that George Pommer used the term that he did. He also found it surprising that the Village Attorney did not correct him and tell him that he was out of order and that we do not use those kind of terms. Mr. Iacomini feels that as an engineer, Mr. Pommer could have used a term

other than mafia block. Mayor Murray wanted to know what would have been another term. Mr. Iacomini believes “concrete block” or “divider block”. “Mafia block” is a slur. It is a slang term used. It is a concrete divider. Specifically, they were talking about the work being done on the back hill. Mayor Murray wanted to know if this was the work that was done outside of the permit process. There were steep slopes outside of the site plan. Mr. Iacomini said that was correct. The Mayor wanted to know if this was the same applicant who said that nobody can come onto his property. Mr. Iacomini did not know.

Mr. Iacomini commented that the FP Clark representative told Mr. Pommer that she was not familiar with that term. Mr. Iacomini said that Mr. Pommer then described how you tie the body with a rope, tie it to the block and put it in the water. Mr. Iacomini commented that when he objected from the floor, stating that he found that to be inappropriate, that he was completely ignored. He feels that Mr. Pommer is a professional. That is not something you use in public and especially when speaking to an Italian-American. Mr. Iacomini believes that Hahn Engineering needs to apologize to Italian-Americans. You would not say that to another ethnic group. Mr. Iacomini feels that kind of respect should be applied to everybody. As for Mr. Pommer going into the process of how you tie a body, Mr. Iacomini believes that when the planner said that she did not understand that term that she was trying to put the brakes on him but that Mr. Pommer carried right on. Mr. Iacomini remarked that the Village Attorney carried on also. He believes that as the attorney for the Village, she should have said that it was improper and that Mr. Pommer should have apologized. Mayor Murray noted that Village Attorney Porteus is not present to defend herself. None of the Board members were at that meeting. He does not know whether she even understood what was being said. We will have to talk with her. Mr. Iacomini commented that it should be in the notes and should be on the tape. Mayor Murray advised that this is the first he is hearing this. We will ask the Village Attorney what the interpretations were and the people involved. Mr. Iacomini commented that we should not defame anybody and that he felt this was truly inappropriate.

Shirley Rousch, 192 Catherine Street, wanted to know if the Recreation Department had budget cuts. She noted that she had talked to the Mayor who advised her that there were not. She commented that her daughter has been the Art Director for the past three or four years. In January, she received a letter from the Recreation Supervisor asking if she wanted to come back. Her daughter completed and returned the application in February. On April 20, she received a letter stating that that her job was terminated due to budget cuts. Mrs. Rousch commented that she had asked Mayor Murray to check into it. He advised her that it was not because of the budget cuts. It was because the Recreation Supervisor has reorganized the camp. Mrs. Rousch did not like that this was not stated in the letter but that it was due to budget cuts. She commented that if the Recreation Supervisor was reorganizing, that was her business. But do not say it was because of budget cuts in the Village.

The Mayor advised that every year, the Board puts out requests to the department heads regarding what their budget requests will be, whether they need to purchase equipment and

whether there will be an increase or decrease in their budget request. For example, the Police Department asked for the police car. The Board did not grant that. Technically, we cut their budget but it is because we did not give them the allocation they requested. The allocations that the Recreation Supervisor requested, we did supply. The Board depends on the department heads to tell the Board what they need. The Mayor commented that it is not in anyone's best interests if the Board were to get involved in each individual thing that each department wants. They did not specifically cut the Recreation Department budget. We stated in the Budget Hearing last month that last year the camp had a profit of approximately \$14,000-\$15,000. The pool lost money but since the camp is such a large part of the pool, we offset the losses of one place for the gains of the other. We did not specifically cut the Recreation Department budget or deny the request.

Ms. Rousch commented that she would not have had a problem if the Recreation Supervisor had said that she has reorganized and they no longer need an Art Director. Do not blame it on budget cuts.

Angelo Iacomini commented on the minutes of the meetings. He commented that he did not find the minutes for March and April on the web site. The Mayor advised that they were just approved at this meeting. They are only posted there after they have been approved.

Mr. Iacomini commented that he periodically goes on Open Book, the Comptroller's web site. The Village is behind everybody else by two years. Village Administrator Hay advised that the State requires an annual report after the audit is done. We are still catching up with our audits. The Mayor noted that we are only behind by one audit. The Village Administrator advised that we are working on that. Mayor Murray commented that the 2010-2011 budget is the one. Mr. Iacomini commented that what currently appears on the web site is 2008. He looked at the surrounding communities, Ossining, Peekskill and Croton. Everybody else is at 2010. Those numbers are important because you can see your expenditures and revenues and if there is a bottom line of a surplus. He commented that according to the numbers you are giving, he would think that surplus is real. He commented that when you do not have the numbers for 2010, 2009, in front of you, as almost everybody is, we should be there.

Mayor Murray was under the impression that we were because you cannot do a budget for one year until the previous year is closed out. We are in our last year of closed out figures. Village Administrator Hay advised that 2008-2009 is on there. We just got 2009-2010 two months ago and we are working on that. We have a limited staff in the office and had to work on the budget. We are working on it. The Mayor advised that you cannot start an audit without finishing the prior one. Mr. Iacomini wanted to know if that was a sign off issue. The Mayor advised that you cannot audit a set of books unless your other set of books is completed because one line might be different from another. We just received the 2009-2010 one and are working on it. It should be up there soon. So we are only missing one year. We had to do a lot of audits within the last year. We changed auditing firms. We had an issue with sign offs with some people that

delayed us almost a year. We discussed this in detail when we switched over to a different auditing firm.

Mr. Iacomini commented that when you take the Revenue and Expense figures for 2008-2009, it appears that there is a \$1,290,000 surplus. You cannot see that in these years that have just passed. He would like to know those numbers so he can use them when looking at the budget.

Trustee Funchion said he wants to state for himself and for the Board that we would not tolerate any ethnic slurs. He thinks it would be disgraceful. It is one of the biggest problems in our country. We are one big melting pot and he personally would not tolerate it. We have to investigate what happened. It would not be fair to the individual parties not to hear their side. It is important to everybody on this Board.

9. ADJOURNMENT:

At 9:15 PM a MOTION to adjourn this meeting was made by Trustee Funchion, seconded by Trustee Knickerbocker.